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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/727,872  | 12/03/2003  | Pawan Sinha          | 018236-000720US     | 6742             |
| 20350   | 7590        | 12/28/2004           | EXAMINER            |                  |
| TOWNSEND AND TOWNSEND AND CREW, LLP<br>TWO EMBARCADERO CENTER<br>EIGHTH FLOOR<br>SAN FRANCISCO, CA 94111-3834 |             |                      | LEE, SIN J          |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1752                |                  |

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/727,872

Applicant(s)

SINHA ET AL.

Examiner

Sin J. Lee

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 35-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,35-39,41-53 and 55-62 is/are rejected.
- 7) ☒ Claim(s) 2,4,40 and 54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicants canceled claims 7-34.
2. Claims 1-6 and 35-62 were examined in this Office action.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 3, 5, 6, 35-39, 41-53, and 55-62 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-22 of U.S. Patent No. 6,680,162 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Claim 14 of Pat.'162 states the following;

Art Unit: 1752

14. A method for depositing a plurality of paragraphs of text on a substrate with semiconductor processing techniques, the method comprising:

- reading a first paragraph from an electronic source;
- reading a second paragraph from the electronic source;
- positioning the first and second paragraphs into one or more columns;
- generating an electronic file at least partially representative of the column; and
- producing the column on the substrate using semiconductor processing techniques.

The end product of this method would be the same as those products of present claims 1, 38, 39, 41, and 44, and thus claim 14 of Pat.'162 would render obvious present inventions of claims 1, 38, 39, 41, and 44. Since claim 14 of Pat.'162 is drawn to a method for depositing "*a plurality of paragraphs*" of text on a substrate, the claim 14 of Pat.'162 would also render obvious present invention of claim 35.

Claim 21 of Pat.'162 states the following;

21. The method for depositing the plurality of paragraphs of text on the substrate with semiconductor processing techniques as recited in claim 14, the method further comprising:

- determining a first color for a first character; and
- determining a second color for a second character.

, and thus claim 21 of Pat.'162 would render obvious present inventions of claims 3, 5, 42, and 51.

Claim 22 of Pat.'162 state that the step of generating the electronic file in claim 14 comprises overlaying a silhouette over at least part of the column. Therefore, claim 22 of Pat.'162 would render obvious present inventions of claims 6, 37, 43.

Claim 15 of Pat.'162 states that the producing step pf claim 14 includes *lithographing* the substrate with a *mask*. Therefore, claim 15 of Pat.'162 would render obvious present inventions of claims 36 and 45.

Claim 16 of Pat.'162 states that the method of claim 14 further comprises:  
converting a first character of the first paragraph into a first pattern; converting a second character of the first paragraph into a second pattern; aligning the first and second characters on a line. Therefore, claim 16 of Pat.'162 would render obvious present invention of claim 46. Claim 17 of Pat.'162 would render obvious present invention of claim 47.

Claims 18-20 of Pat.'162 state the following;

18. The method for depositing the plurality of paragraphs of text on the substrate with semiconductor processing

techniques as recited in claim 14, the method further comprising determining an end of a first line in the first paragraph and beginning a second line.

19. The method for depositing the plurality of paragraphs of text on the substrate with semiconductor processing techniques as recited in claim 14, the method further comprising determining an end of the first paragraph and beginning the second paragraph on the next line of the column.

20. The method for depositing the plurality of paragraphs of text on the substrate with semiconductor processing techniques as recited in claim 14, the method further comprising detecting an end of a first column and depositing a next line in a second column.

Therefore, claims 18-20 of Pat.'162 would render obvious present inventions of claims 48-50.

As discussed above, Claim 14 of Pat.'162 states the following;

14. A method for depositing a plurality of paragraphs of text on a substrate with semiconductor processing techniques, the method comprising:

- reading a first paragraph from an electronic source;
- reading a second paragraph from the electronic source;
- positioning the first and second paragraphs into one or more columns;
- generating an electronic file at least partially representative of the column; and
- producing the column on the substrate using semiconductor processing techniques.

Art Unit: 1752

, and claim 22 of Pat.'162 furthermore states that the step of generating the electronic file in claim 14 comprises overlaying a silhouette over at least part of the column.

Therefore, claims 14 and 22 of Pat.'162 would render obvious present inventions of claims 52, 53, 56, 58, 60, and 62.

As discussed above, claim 21 of Pat.'162 states the following;

21. The method for depositing the plurality of paragraphs of text on the substrate with semiconductor processing techniques as recited in claim 14, the method further comprising:

determining a first color for a first character; and  
determining a second color for a second character.

Therefore, claim 21 of Pat.'162 would render obvious present inventions of claims 55 and 59.

As discussed above, claim 15 of Pat.'162 states that the producing step of claim 14 includes *lithographing* the substrate with a *mask*. Therefore, claim 15 of Pat.'162 would render obvious present inventions of claims 57 and 61.

### ***Allowable Subject Matter***

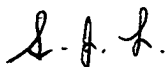
5. Claims 2, 4, 40, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Pat.'162 does not teach or suggest present limitation of claim 2 as to the text being comprised of one of more of a metal, an oxide, a polysemiconductor and a photoresist. Pat.'162 does not teach or suggest present limitation of claim 4, claim 40, or claims 54 as to the plurality of characters being comprised of a plurality of primitives or plurality of rectangles.

Art Unit: 1752

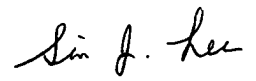
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Lee  
December 27, 2004



Sin J. Lee  
Patent Examiner  
Technology Center 1700